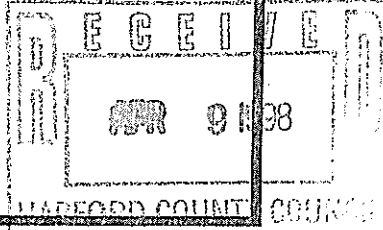


ZONING RECLASSIFICATION APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014



Shaded Area For Office Use Only

Case No. 094
Date Filed 4/1/98
Hearing Date _____
Pre-Conf. _____
Receipt 980910073
Fee \$ 700.00

Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

Petitioner

Name Art Builders, Inc. Phone Number call attorney

Address 2700 Philadelphia Road Edgewood MD 21040
Street Number Street State Zip Code

Property Owner Joseph J. Strehlen Jr. Phone Number _____

Address 336 South Main Street Bel Air MD 21014
Street Number Street State Zip Code

Contract Purchaser Art Builders, Inc. Phone Number call attorney

Address 2700 Philadelphia Road Edgewood, MD 21040
Street Number Street State Zip Code

Attorney/Representative John J. Gessner Phone Number (410) 893-7500
Hertsch, Gessner & Snee, P.A.

Address 11 South Main St., P.O. Box 1776 Bel Air MD 21014
Street Number Street State Zip Code

Hearing: 7/20/98

Land Description

Address and Location of Property (with nearest intersecting road) _____

old Emmorton Road/ Point to Point Square

Subdivision Hunters Run Village Lot Number Parcel A Acreage/Lot Size .784 Election District 1

Existing Zoning R2 Proposed Zoning RO Acreage to be Rezoned .784 (all)

Tax Map No. 56 Grid No. 2D Parcel 474 Deed Reference 1539/0631

Critical Area Designation N/A Land Use Plan Designation Medium Intensity

Present Use and ALL improvements: vacant

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.

Example: Conventional, Conventional with Open Space, Planned Residential Development) commercial

Is the property designated a historic site, or does the property contain any designated or registered historic structures?

No If yes, describe: _____

Estimated Time Requested to Present Case: 15 minutes

Required Information To Be Attached

(Submit three (3) copies of each):

(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.

(2) A statement as to whether there is an

allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

(1) Location of site.

(2) Proposed nature and distribution of land uses, not including engineering drawings.

(3) Neighborhood (as defined by the Applicant).

3 : 3/25/98
2 : 7793.DOC
201958

ATTACHMENT A
FOR ZONING RECLASSIFICATION APPLICATION OF ART BUILDERS, INC.

The Zoning Reclassification Application requests the following information.

Petitioner's submission is as follows:

"(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation."

Petitioner: See attachment A-1, List of Owners of Property Within 500 Feet of the Subject Property.

"(b) A statement of the grounds for the application including:

"(1) A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation."

Petitioner: A mistake occurred in the legal sense when the subject property was zoned R2 during the last Comprehensive Rezoning in 1989. The County Council erroneously assumed that the subject property should be zoned R2. As a result of development in the area, changes in the Master Plan, Master Water and Sewer Plan and other factors which have occurred since the last Comprehensive Rezoning in 1989, the property's R2 zoning classification is no longer appropriate. The subject property should be rezoned RO in its entirety.

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"(2) A statement as to whether there is an allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change."

Petitioner: Petitioner makes such an allegation. As a result of development in the area, changes in the Master Plan, Master Water and Sewer Plan and other factors which have occurred since the last Comprehensive Rezoning in 1989, the neighborhood has substantially changed.

"(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion."

Petitioner: The proposed classification is in conformance with the Master Plan.

"(d) A concept plan shall be submitted by the applicant at the time the application is filed. The concept plan shall illustrate the following:

1. Location of site;
2. Proposed general nature and distribution of land uses but need not include engineered drawings;
3. Neighborhood;
4. All surrounding zoning; and
5. Proposed public or private capital improvements.

Petitioner: See attachment A-2.

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2 : 7793.DOC
201958

"(e) List previous rezonings and recommendations since the effective date of the Comprehensive Rezoning, within the neighborhood of the petitioned area, their case numbers, dates, and decisions."

Petitioner: None.

"(f) Map indicating woods, fields, streams, floodplains, non tidal wetlands, etc."

Petitioner: See Attachment A-3

"(g) Property deed, and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property."

Petitioner: See Attachments A-4 (Title Deed) and A-3

"(h) Private restrictions or covenants, if any, applicable to subject parcel."

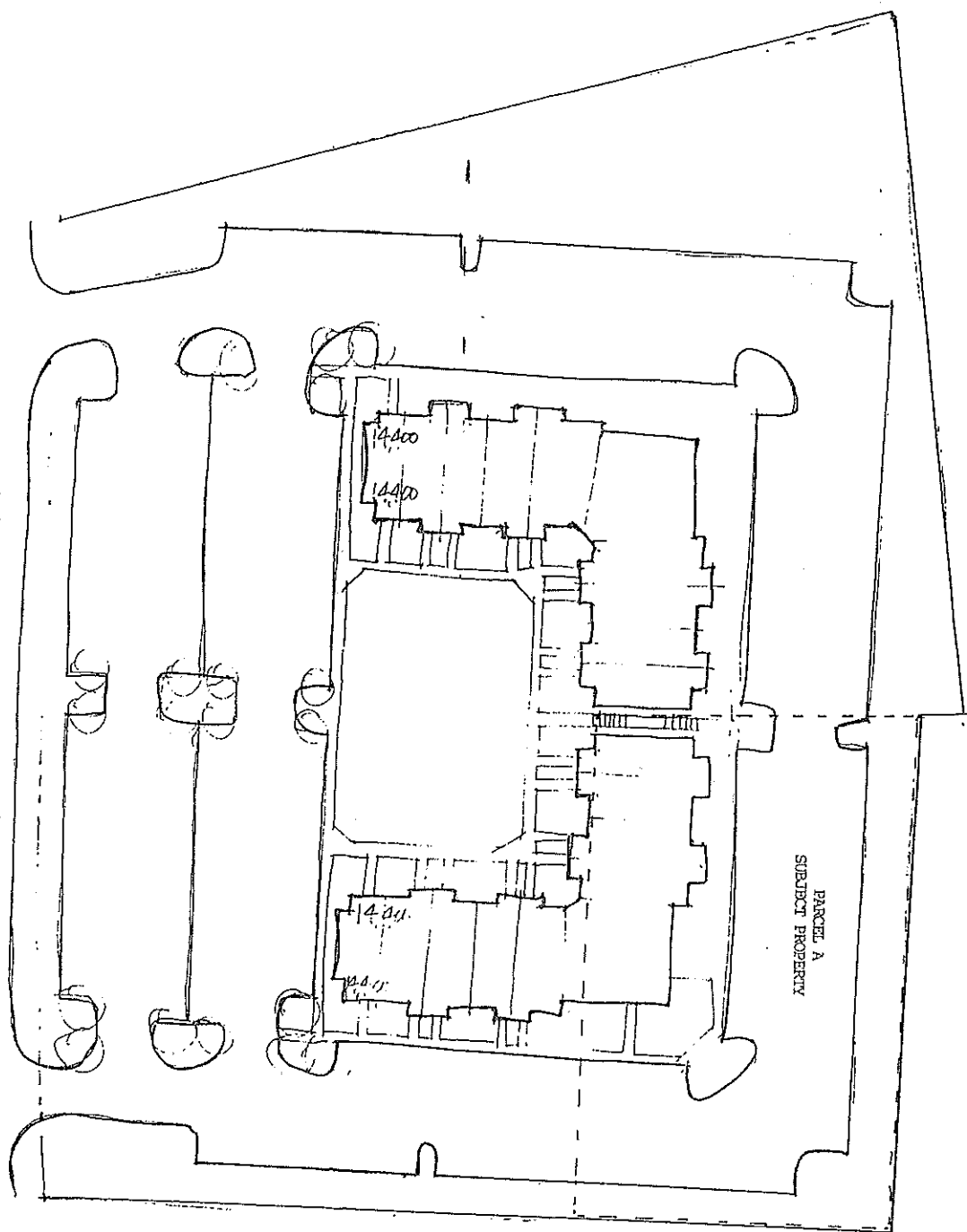
Petitioner: None

"(i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted."

Petitioner: None .

"(j) Availability of public water and sewer."

Petitioner: Public water and sewer are available to the property.



OLD EMMORTON ROAD

PARCEL A
SUBJECT PROPERTY

ATTACHMENT
A-2

Comprehensive Zoning Log

Issue #	Date	C/P C	Tax ID #	Map #	Grid	Parcel #	Property owner	Property location	Area of parcel	Area to rezone	CZ	RZ	PAB	P-Z	C-C
F003	7-30-96	ARE	01047450	623C	627		John Hradsky	Sawall Road Abingdon Rd Abingdon	4.29	4.29	R1	R3	R1	R1	R1
F004	9-11-96	AH	02079224	634A	361		D&H Ind. (Thomas Dombrowski)	WS Perryman Rd Perryman	51.76	29.0	AG	R4	AG	AG	AG
F004-1	9-11-96	AH	02079224	634A	361		D&H Ind. (Thomas Dombrowski)	WS Perryman Rd Perryman	51.76	13.3	R1	R4	R1	R1	R1
F005	9-18-96	EDG	01105841	614F	185		Glenn L. Witsiedt, Jr.	1407 Van Bibber	6.095	6.095	R2	CI	R2	R2	R2
F006	9-23-96	ARE	01017535	562D	361		Elaine W. Deutsch	2224 Old Emmorton Rd Bel Air	375	375	RO	B3	RO	RO	RO
F007	9-23-96	CC	01088076	571C	2		Charles E. Smith	2030 Calvary Road Bel Air	54.2	.7	AG & B1	B2	AG & B1	AG & B1	AG
F008	10-1-96	EDG	01227912	614F	199, lot 1		Indeco Corp. (Lee Jones)	2511 Philadelphia Road	61	61	RO	B3	RO	RO	RO
F009	10-3-96	EDG	01088564	661A	533, lot 4		LoRoy Smith & Stephen Quick	2517 Pulaski Hwy	1,580	1,580	CI	B3	B3	B3	B3
F010	10-3-96	EDG	01088556	661A	533, lot 3		LoRoy Smith & Stephen Quick	2515 Pulaski Hwy	1,44	1,44	CI	B3	B3	B3	B3
F011	10-3-96	EDG	01088548	661A	533, lot 2		LoRoy Smith & Stephen Quick	2513 Pulaski Hwy	1,43	1,43	CI	B3	B3	B3	B3
F012	10-3-96	EDG	01088521	661A	533, lot 1		LoRoy Smith & Stephen Quick	2511 Pulaski Hwy	1,340	1,340	CI	B3	B3	B3	B3
F013	10-3-96	EDG	01088483	661A	271		LoRoy Smith & Stephen Quick	U. S. Rt 40, Shore Shopping	47.59	33.14	CI	B3	B312 B3127.061	B3 & B3127.061	B3 & B3127.061
F014	10-4-96	ARE	01046020	583A	179		John & Grace Hiler	North Side of Rt 7	31.928	31.928	R1	R3	R1	R1	R1
F015	10-4-96	ARE	01096397	582A	22		John & Grace Hiler	4800 Philadelphia Rd Stephney	64.58	64.58	R1	R3	R1	R1	R1
F016	10-8-96	ARE	01040812	574D	115		Roxie L. Gullion	4200 Philadelphia Rd Belcamp	364	364	B2	B3	B2	B3	B2
F017	10-8-96	ARE	01040804	574D	109		Roxie L. Gullion	4216 A. Philadelphia Rd	2,758	2,758	B2	B3	B2	B3	B2
F018	10-10-96	AH	06000916	442D	526		Estate of J. Barker (Michael Leaf)	2236 Barker Lane Havre de Grace	47.161	47.161	AG	B3	AG	AG	AG
F019	10-10-96	ARE	01033344	562D	323		Joseph Strehlen	2225 Old Emmorton Rd	1.25	1.25	RO	B2	RO	RO	RO
F020	10-10-96	ARE	01273302	562D	474, lot A		Joseph Strehlen	Hunters Run Village East of Old Emmorton	.784	.784	R2	B2	RO	RO	RO
F021	10-10-96	ARE	01083908	562E	251		Joseph Strehlen	ES MD Route 24	1.5	1.5	RO	B2	RO	RO	RO
F022	10-10-96	ARE	01102419	563D	82		Joseph Strehlen	2227 Old Emmorton Rd	.817	.817	RO	B2	RO	RO	RO
F023	10-10-96	AH	02074109	584D	183		Freeman Wright	Route 7, West Of Abideen	72.0	72.0	R2	R3	R2	R2	R3
F024	10-10-96	AH	06005675	442F	677		Shaffers Bayview Market (P. Shaffel)	1500 Superior Street Havre de Grace	1.04	1.04	B1	B2	B1	B1	B1
F025	10-11-96	ARE	01012185	622F	61		Bate Shoe Co. (John Dixon)	W/S (Future) Bate Blvd off of Rt 40	46.47	5.5	CI	R4	CI	CI	R4